

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HENRY LAMONT CALDWELL,)	CASE NO. 1:06 CV 0009
)	(5:02 CR 375)
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	<u>MEMORANDUM OPINION AND</u>
		<u>ORDER</u>

This matter is before the Court on Petitioner's Motion to Vacate the Judge's Order of March 6, 2006 denying Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket #12). For the following reasons, Petitioner's Motion is hereby DENIED.

On March 6, 2006, this Court issued a Memorandum Opinion and Order denying Petitioner's Motion pursuant to 28 U.S.C. § 2255 (Docket #7) and dismissed this case (Docket #8). Subsequently on, May 1, 2006, Petitioner filed a Motion for Reconsideration and/or for Issuance of Certificate of Appealability (Docket #10) which was denied by the Court on May 23, 2006. The Court stated that based upon of review of all relevant law and filings, the decision to deny Petitioner's Motion pursuant to 28 U.S.C. § 2255 remains the same.

On March 5, 2007, Petitioner filed his Motion to Vacate this Court's March 6, 2006 Order.

The Court has reviewed Petitioner's Motion, in conjunction with earlier filings and decisions in this case.

The Court hereby upholds its decision to deny Petitioner's Motion pursuant to 28 U.S.C. § 2255.

Accordingly, Petitioner's Motion to Vacate this Court's Order dated March 6, 2006 (Docket #12) is hereby DENIED.

IT IS SO ORDERED.

s/Donald C. Nugent

DONALD C. NUGENT

United States District Judge

DATED: March 22, 2007